

Report for: Council

Date of Meeting:	18 th May 2023
Subject:	Constitution Update
Responsible Officer:	Jessica Farmer, Interim Director of Legal & Governance Services
Exempt:	No
Wards affected:	All Wards
Enclosures:	Appendix A Part 3A of the constitution Appendix B Part 3 B of the constitution

Section 1 – Summary and Recommendations

This report sets out amendments to the constitution to reflect legislative requirements.

Recommendations:

That:

- (1) Council amends the allocations of responsibilities parts of the constitution as attached at Appendix A and B.
- (2) That authority is given to the Monitoring Officer to make these changes to the constitution.

Section 2 – Report

- 2.1 Since reviewing the legislation for work on another constitution it is considered that improvements can be made in drafting to better and more literally reflect the legalisation regarding executive functions.
- 2.3 The amendments have been considered by members of the Constitution Review Working Group by email.

Legal Implications

- 3.1 s 9E of the Local Government Act 2000 (as amended by the Localism Act 2011) provides as follows:

9E Discharge of functions: general

(1) ... any functions which, under executive arrangements, are the responsibility of— ... (b) a leader and cabinet executive are to be discharged in accordance with this section.

(2) The senior executive member [who is defined as the leader in subs (8)]—

(a) may discharge any of those functions, or

(b) may arrange for the discharge of any of those functions— (i) by the executive, (ii) by another member of the executive, (iii) by a committee of the executive, (iv) by an area committee, or (v) by an officer of the authority.

Financial Implications

- 4.1 The amendments to the constitution will be contained within existing budgets.

Risk Management Implications

5.1 The drafting amendments will better reflect the legislation.

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below. **n/a**

Risk Description	Mitigations	RAG Status
That the changes do not improve the interpretation of the constitution.	<ul style="list-style-type: none">The changes are a more literal and clear interpretation of the legislation.	Green

Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? **No**

If no, state why an EqIA was not carried out below:

There are no equalities implications with the suggested proposal.

Council Priorities

The suggested proposal contributes towards all the Council's corporate priorities by clarifying the rules within the constitution.

- 1. A council that puts residents first**
- 2. A borough that is clean and safe**
- 3. A place where those in need are supported**

Section 3 - Statutory Officer Clearance

Statutory Officer: Dawn Calvert

Signed by the Chief Financial Officer

Date: 16/05/2023

Statutory Officer: Jessica Farmer

Signed by the Monitoring Officer

Date: 16/05/2023

Mandatory Checks

Ward Councillors notified: NO, as it impacts on all Wards

Section 4 - Contact Details and Background Papers

Contact: Vishal Seegoolam, Democratic, Electoral & Registration Services Manager, 020 8424 1158

Background Papers: None.